

**MINUTES
LICENSING COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH35 South
AUSTIN, TX 78741
February 14, 2012 — 1:00 PM**

Call to Order. Acting Committee Chair, Govind Nadkarni, P.E., called the Licensing Committee meeting to order at 1:00 pm on February 14, 2012, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX 78741. (All votes are unanimous, unless otherwise noted).

1. Roll call and welcome visitors.

Govind Nadkarni, P.E.	Acting Chair
Gary Raba, D.Eng., P.E.	Alternate Member
Daniel Wong, Ph.D., P.E.	Appointed Member

A quorum was present. Veena Mohan, Assistant Attorney General, was present to provide legal counsel. Also present was Mr. Edmundo Gonzalez, Jr., P.E., Emeritus Board Member.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
Priscilla Piphio, MPA	Deputy Executive Director
David Howell, P.E.	Director of Licensing
Janet Sobieski	Director of IT
Dewey Helmcamp, III JD	Staff Attorney
Serena Lloyd	Licensing Supervisor
Shannon Velazquez	Licensing Specialist
Dorothy Gonzales	Executive Assistant

Visitors. Terry Bilderbirk, P.E., Texas Society of Professional Engineers (TSPE); Al Kosik, P.E., Texas Department of Transportation (TxDOT).

Personal appearance applicants (see agenda item 4): Jeremy VanLeeuwen; David Borcharding; Michael Spurlock; Brett Pope; Miguel Ayala; Jordan Craig; Bryant Bell; Brandon Carter; Michael James; James Fowler, Jr.; Matt Giannini.

Mr. Nadkarni read the following statement to the audience:

It is one of the primary obligations of the Texas Board of Professional Engineers to assure that Texas engineers are held to the highest standards of competency, integrity, and honesty. Public safety depends upon that standard and consistently achieving in our profession requires faithful and unwavering practice of honesty and integrity in all aspects of our lives, not only when we sit at our desk.

2. Public comment. None.

3. Discuss and possibly approve the November 16, 2011, Licensing Committee Minutes.

It was MOVED/SECONDED (Raba/Wong) to approved the November 16, 2011, Licensing Committee minutes as submitted. A vote was taken and the MOTION PASSED.

Discuss and Possibly Act on the Following (Agenda Items 4-6):

4. Discuss and possibly act on applications for licensure: Personal Interviews

David Borcharding. This applicant was requesting to be licensed in Texas. He passed both exams. He was referred to the Committee due to criminal incidents on his record. The applicant thanked the Committee members for their

time, and the opportunity to share his experience which occurred over six years ago. He commented that the incidents were due to foolish judgment on his part. He has completed all the court requirements. He attended a victim impact panel and learned the severity of driving under the influence, and stated that the seminar changed him. He is licensed in nine other states.

It was MOVED/SECONDED (Raba/Wong) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to approve Mr. Borcheder to be licensed in Texas. A vote was taken and the MOTION PASSED.

James Fowler. This applicant was requesting to be licensed in Texas. He passed both exams and is licensed in other states. He was referred to the Committee due to criminal incidents on his record. He has completed all court requirements. Mr. Fowler addressed the Committee and accepted full responsibility for his actions. He added that he realized he made a serious mistake. He has been a good citizen all his life. He gave a brief summary of his life experience.

It was MOVED/SECONDED (Raba/Wong) to recommend to the Board at its Regular Board meeting on February 15, 2012, to approve Mr. Fowler to be licensed in Texas. A vote was taken and the MOTION PASSED.

Michael Spurlock. This applicant was requesting to be licensed in Texas. He has passed both exams, and is licensed in six other states. He was referred to the Committee due to criminal incidents on his record. He has completed all court requirements. Mr. Spurlock read a statement to the Committee summarizing the incident on his record. He accepted full responsibility, regrets his actions, and apologized to the Committee.

It was MOVED/SECONDED (Raba/Wong) to recommend to the full Board at its Regular Quarterly Board meeting on February 15, 2012, to approve Mr. Spurlock to be licensed in Texas. A vote was taken and the MOTION PASSED.

Jeremy Van Leeuwen. This applicant was requesting to be licensed in Texas. He is licensed in other states. He was referred to the Committee due to a criminal incident on his record. The applicant thanked the Committee, and shared his experience regarding the incident. He is seeking licensure in Texas because he is part of a crisis team that does work in Texas. He added that he has completely stopped drinking. All court requirements are completed.

It was MOVED/SECONDED (Wong/Raba) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to allow Mr. Leeuwen to be licensed in Texas. A vote was taken and the MOTION PASSED.

Miguel Ayala. This applicant was requesting approval to take the PE exam. He was referred to the Committee due to criminal incidents on his record. Mr. Ayala shared his experience with the Committee. After discussion with the applicant, the Committee felt the applicant did not adequately demonstrate an appreciation of the seriousness of his actions nor was he accepting responsibility for his actions. The Committee stressed that a licensed engineer is responsible for the public's health, safety, and welfare.

It was MOVED/ (Raba/) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to allow Mr. Ayala to take the PE exam. MOTION FAILED due to lack of a SECOND.

After further discussion among Committee members, they unanimously agreed to hold the applicant's application until the next scheduled Licensing Committee meeting. During this time period the applicant should reflect on the discussion and be prepared to discuss his responsibility for his actions that lead to the criminal incidents.

It was MOVED/SECONDED (Wong/Raba) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to approve the Committee's recommendation to take no action, but have the applicant re-appear before the Licensing Committee in May 2012. A vote was taken and the MOTION PASSED.

Bryant Bell. This applicant was requesting approval to take the PE exam. He was referred to the Committee due to a criminal incident on his record. He has passed the FE exam. The applicant thanked the committee and shared his experience regarding the incident, and added that it was an eye-opener which changed his life. He reported that he

volunteered to attend a Mothers Against Drunk Drivers (MADD) class which impacted him greatly. He is thankful that nothing worse happened as a result of his actions. All court requirements have been completed.

It was MOVED/SECONDED (Raba/Wong) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to allow Mr. Bell to take the PE exam. A vote was taken and the MOTION PASSED.

Brandon Carter. This applicant was requesting to take the PE exam. He was referred to the Committee due to a criminal incident on his record. He has passed the FE exam. The applicant addressed the Committee and commented that the incident happened during his college years. He also apologized for not correctly marking the application notifying the Board regarding criminal incidents as requested. He thought that these incidents would not appear on his record since they involved deferred adjudication. The Committee reviewed the language on the application with the applicant. After further discussion with the applicant, the Committee decided that the applicant should re-appear before the May Licensing Committee.

It was MOVED/SECONDED (Raba/Wong) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to approve the Committee's recommendation to take no action, but have the applicant re-appear before the Licensing Committee in May 2012. A vote was taken and the MOTION PASSED.

Jordan Craig. This applicant was requesting to take the PE exam. He was referred to the Committee due to a criminal incident on his record. He passed the FE exam. The applicant addressed the Committee and apologized for his actions. He added that the incident happened during his college years. He did not realize that this would impact his future, and realizes the mistake he made. He shared his experience and lessons learned with the Committee. After listening to another applicant, Mr. Craig stated that he will be taking advantage of the study guides for the exam. He commented that he may not be ready to take the exam in April, and may reconsider taking it. The Committee members commented that it was up to the applicant when he takes the exam after he is approved.

Mr. Howell commented that once an applicant is approved to take the PE exam, they have four consecutive opportunities to take the exam; the applicant can choose when to take the exam.

It was MOVED/SECONDED (Wong/Raba) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to allow Mr. Craig to take the PE exam. A vote was taken and the MOTION PASSED.

Matthew Giannini. This applicant was requesting to take the PE exam. He was referred to the Committee due to a criminal incident on his record. He has passed the FE exam. The applicant addressed the Committee and apologized for his actions. He commented that his attorney, working with the District Attorney, had his case dismissed.

It was MOVED/SECONDED (Raba/Wong) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to allow Mr. Giannini to take the PE exam. A vote was taken and the MOTION PASSED.

Michael James. This applicant was requesting to take the PE exam. He initially applied in July 2010, but he did not come before the Committee until now because his court requirements had not been completed. In November 2011, he completed all court requirements. The applicant shared his experience with the Committee, and regrets what happened. He also shared his current job responsibilities.

It was MOVED/SECONDED (Wong/Raba) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to allow Mr. James to take the PE exam. A vote was taken and the MOTION PASSED.

Sean Lucas. This applicant was reapplying and requesting to take the PE exam. The initial request to take the PE exam was approved because there was no judgment on his case at the time he applied. His 2008 incident was reduced to obstruction of a highway. The applicant shared his experience and lessons learned with the Committee, and recognized the seriousness of his actions. He is working on getting this incident removed from his record.

It was MOVED/SECONDED (Wong/Raba) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to allow Mr. Lucas to take the PE exam. A vote was taken and the MOTION PASSED.

Brett Pope. This applicant was requesting to take the PE. He was referred to the Committee due to a criminal incident on his record. He completed all court requirements. The application shared his experience with the Committee. He accepts full responsibility for his actions. He stated that he is very fortunate that no one was injured by his actions. The passing of his friend in the Virginia Tech tragedy changed his life. He added that he received his Masters in Civil Engineering from the University of Houston. Committee members asked the applicant to become a voice to his peers and share his experience and lessons learned.

It was MOVED/SECONDED (Raba/Wong) to recommend to the Board at its Regular Quarterly Board meeting on February 15, 2012, to approve Mr. Pope to take the PE exam. A vote was taken and the MOTION PASSED.

The Committee Chair called for a break at 2:45 pm. The Committee meeting reconvened at 2:48 pm.

5. **Licensing Director's Report.**

- **Reports.**

- **Software Engineer Update.**

Mr. Howell reported that he is working with a task force made up of people across the United States creating a document for other Licensing Boards on how to license Software Engineers. The Task Force produced the original draft of the report and sent it to the Software Engineering Licensing Consortium (SELC), which Mr. Kinney is a member of. The SELC sent it to the IEEE Licensure subgroup for additional editing. It is in its final stages of edits. Once all edits have been completed, it will be sent to the NCEES Members' Board Administrators (MBA) for final approval and implementation. Mr. Kinney commended Mr. Howell for all his efforts and participation in the Software Engineer Task Force. Mr. Kinney said that the exam development is underway and should be implemented by 2014. Mr. Howell added that the exam is being written by a group of experts in this field.

- **Response to request regarding licensed PEs that failed PE exam.**

Mr. Howell reported that a request was made by Mrs. Carol Hemphill for the Licensing Committee to research and make available a list of all of the PEs that sat for the PE exam and failed, but were still licensed in Texas. Mr. Howell worked with TBPE IT staff to pull together this information from the agency's database. The report showed 609 individuals, approximately 400 of which were licensed before the exams were required, 9 were licensed under the current waiver rules and the rest were licensed by waiver rules in place at the time of application. All PEs on the report were licensed appropriately. Mr. Kinney mentioned that the results were shared with Mrs. Hemphill and she was informed and invited to the Licensing Committee meeting on February 14, 2012. It is believed that her request was related to a specific licensed engineer. The engineer in question did not appear on the report because, according to agency records, he does have a passing score on the exam.

- **Results and statistics: Application and Examination Report.**

Mr. Howell reviewed this exhibit with the Committee members. There were no questions.

- **Licensing report.**

Mr. Howell summarized some of the performance and improvement activities recently performed by the Licensing department. There were no questions.

6. Issues for consideration and schedule next meeting

Adjourn.

It was MOVED/SECONDED (Wong/Raba) to adjourn the meeting at 3:05 pm. A vote was taken and the MOTION PASSED.

Date Committee approved minutes as submitted: May 24, 2012
Date Board accepted minutes: May 24, 2012